IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 16372 of 2004

Between:

Omer Colony Welfare Association,

Hafeezbaba Nagar, Chandrayanagutta, Hyderabad.

..... PETITIONER

AND

1. Sri Md.Ismail, Major,
H.NO.18-12-419/C/1996, Omar Colony, Hafez Baba Nagar,
Chandrayangutta, Hyderabad-05. R/o.H.No.17-1-427, Shenkeswar Bazar,
Hyderabad.
2. The Andhra Pradesh Pollution Control Board,

represented by the Joint Chief Environmental Engineer, Zonal office, Hyderabad.
3. The C.I. of Police, Kanchanbagh, Hyderabad.
4. The Commissioner, Municipal Corp. of Hyderabad. Hyderabad Circle No.I.
5. The Assistant Medical officer, Circle No.I, Sardar Mahal, Hyderabad.
6. The Government of A.P., rep.by Secretary to Government,
Industry Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ specially one in the nature of Writ of Mandamus directing respondents No.2 to 6 to remove pollution caused by the plastic Industry of Respondent No.1 running in H.No.18-12-419/C/1996, Omar colony, Hafez Baba

Nagar, Chandrayangutta, Hyderabad, which is polluting air and causing hazardous atmosphere in the petitioner's colony declaring inaction of Respondents No.2 to 6 in removing said plastic Industry of respondent No.1 as illegal and untenable.

Counsel for the Petitioner: Mr. A.BICHAIAH

Counsel for the Respondent No.1: None appeared.

Counsel for Respondent No.2: Mr. S.V.Bhatt,

SC for A.P.P.C.B.

Counsel for Respondents 4 &5: Mr.Ghanta Rama Rao

SC for MCH

Counsel for Respondents 3 & 6: G.P. for Industries.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The residents of Omer Colony Welfare Association, Hafez Baba Nagar, Balapur Road, Chandrayangutta, Hyderabad, filed this Writ Petition making a grievance of pollution being created by the first respondent in H.No.18-12-419/C/1996, Omar Colony of Hafez Baba Nagar, Chandrayangutta, Hyderabad. It was alleged that respondent No.1 was carrying on plastic industry, and, no action was taken by Respondents No.2 despite their objection.

On behalf of the Andhra Pradesh Pollution Control Board, Sri Rajeshwar Tiwari, Member Secretary, has filed affidavit-in-reply stating that upon the receipt of a complaint by the Respondent-Board regarding air pollution being caused on account of plastic rope manufacturing, the unit was inspected on 21.6.2003 and the unit was found manufacturing ropes from waste plastic. The unit had also erected extruder and rope-making machine. The unit was located in residential area, and, therefore, the respondent-Board called upon the first respondent for legal hearing on 13.11.2003 and 18.12.2003. None attended the hearing, and, accordingly, order was passed directing to shift the unit from the present location to any industrial area

before 18.2.2004. On filing of this Writ Petition, site was again inspected on 4.10.2004, and, it was found that no manufacturing activity was in progress. Respondent No.1 had informed that A.P. Transco also disconnected the power supply and the machinery for rope manufacturing and extrudes were removed. The place was being used as godown for storage of plastic material and segregation of waste plastic is being carried out.

In view of the fact that no manufacturing activity is in progress, no directions can be issued in the present Writ Petition. In case, petitioners have any grievance that storage of plastic material or its segregation in the building in question is a source of nuisance to the residents or general public, petitioners are not remediless in taking out appropriate civil or criminal proceedings in accordance with law.

With leave and liberty granted as above, this Writ Petition is disposed of. No costs.

_____

DEVINDER GUPTA, C.J.

20.12.2004.

_____

M.NARAYANA REDDY, J.

VR.

To

1. The Joint Chief Environmental Engineer, Andhra Pradesh Pollution Control Board, Zonal office, Nampally, Hyderabad.
3. The C.I. of Police, Kanchanbagh, Hyderabad.
4. The Commissioner, Municipal Corporation of Hyderabad. Hyderabad Circle No.I.
5. The Assistant Medical officer, Circle No.I, Sardar Mahal, Hyderabad.
6. The Secretary to Government of A.P., Industries Department, Secretariat, Hyderabad.

7. Two CCs to Government Pleader for Industries, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.